Wake Forest Jurist

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WAKE FOREST JURIST

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STATEMENT OF PURPOSE AND POLICY

The *Wake Forest Jurist* is published twice yearly by the Wake Forest School of Law of Wake Forest University. Its main purpose is to inform the friends and alumni of the Law School about activities and events of interest at the Law School, of recent important decisions by the courts of North Carolina and other jurisdictions, and news of the achievements and activities of fellow alumni. In this way the *Jurist* seeks to provide a service and a meaningful link between the School of Law and its alumni. Also, the magazine shall provide an outlet for the creative talents of students and an opportunity for legal writing by them. Opinions expressed and positions advocated herein are those of the authors and do not represent official policy of the School of Law.

A MESSAGE FROM THE DEAN

All of us who knew Mary Lauerman, wife of Professor Henry C. Lauerman, were deeply saddened by her untimely death on December 2, 1973. Mary was one of those rare individuals who by their intelligence, energy, and involvement in public affairs make their communities better places in which to live. She is and will continue to be sorely missed by her family and friends, and by the community she served so well.

For the past several years, the Carswell Scholarships have been an important part of Wake Forest's financial aid program for students in the College of Arts and Sciences. Beginning with the 1974 Fall Semester, Carswell Scholarships will be available to law students. This expansion of the Carswell Scholarship program has been made possible by the generosity of Mrs. Clara Carswell, who recently has given the Law School a substantial endowment fund for this purpose. I wish to take this means of thanking Mrs. Carswell for this most welcome gift and for her continuing interest in our School.

The Law School continues to receive a very gratifying amount of financial support from its alumni. So far this year the Law School Fund has netted almost $35,000. In addition, some alumni still are making payments on their pledges to the Building Fund, and others in contributing to the University's One-Fifty Fund have earmarked their gifts for the Law School. Total alumni giving for the current fiscal year amounts to nearly $100,000. To all those who have helped the Law School in this way goes our deep appreciation.

Applications for admission continue to flood in at a near-record level. Once again we have nearly ten applicants for each seat in the September class. This should result in the admission of another exceptionally well-qualified group of first-year students. Our Admissions Committee, chaired by

Professor Richard G. Bell, has my unstinting gratitude for their fair and painstaking performance of a very difficult task.

Placement opportunities for law graduates are less abundant than they were several years ago. The reasons for this lie in the state of the economy and in the tremendous increase in the number of students graduating from law school. Although there is no cause for panic—either among practitioners or among students—it seems rather clear that the law schools are turning out as many graduates as the profession can absorb each year. Nevertheless, more than 40 percent of our third-year class already is placed, and I am confident that most members of the class of '74 will find attractive positions.

I hope to have the pleasure of seeing many of our alumni during the School's observance of Law Day on Saturday, April 27. The SBA is planning a full schedule of events, and in the near future the details of the program (and an invitation to attend) will be mailed to all alumni.

THE EDITOR'S PAGE

With this number of the Jurist we begin a new feature: It's purpose is to allow the editor-in-chief to give some credit where it is due for the hard work which goes into every issue. Many people lend a hand; but exactly what they do varies: some write, some proofread, some develop ideas, some develop photos, some type, some edit, and all sacrifice a great deal of their own time to work for an organization which promises little reward. Another purpose is to talk about what the magazine is doing and what he hopes to achieve. Our stated purpose recognizes a need for alumni support of the school and a need to communicate. But the magazine itself needs support to, and that is my next topic.

I am happy to announce the formation of an alumni board of advisors to the magazine. This group, consisting of the former editors, will provide a foundation upon which future editors can rely for insight into the purposes and style of the magazine, giving it continuity. Also, the board can forward constructive criticism and can provide alumni news. Proposed changes in policy and method can be discussed with them to get opinions which have different viewpoints. We look forward to this new source of encouragement and support.

All alumni are of course potential sources for support for the Jurist. One way such support can be manifested is be participation in the writing. We have presented a feature called "Viewpoint" in several previous issues. Until now, certain alumni have been contacted and have provided articles and interviews. We now solicit our readers to send us their thoughts so that we can print them in "Viewpoint". Whatever subject is on your mind which you feel is important to the school and to other alumni is welcome. Subjects such as legal education, politics, practical and theoretical questions about law (No answers promised), advice to students, or any other subject will be typical of the matters "Viewpoint" will be concerned with.

Comments about the magazine will also be appropriate for "Viewpoint." We hope that any thought from any alumnus will be forwarded to us in regard to our type, our accuracy, and our overall quality.

When I say "We," I really am talking about next year's editors. I will (am scheduled) to graduate in June, but I leave the publication in good hands. The editor-in-chief elect is Mr. Richard Gabriel of Greensboro. Ms. Sharon Rayle, of Summerfield, is the second-in-command as managing editor. The other editors are: Ms. Rebecca Ferguson of Eaton, Ohio, law school news editor; Mr. Mike Joseph of Greensboro, alumni news editor; and Mr. David Lee , Winston-Salem, legal articals editor.

Due to recent special requests, the Jurist is establishing a special main mailing list. The computer list of alumni is used for the bulk mailing of the magazeine. We are capable of adding a limited number of others to our mailing list who are (a) not alumni (b) not lawyers or (c) not people. Recently, for example, we added the North Carolina library to our mailing list. Within reason we will add any names to our list which alumni request. Cost will ultimately be the limiting factor.

A personal farewell note: I have enjoyed the chance to serve the school as editor of the Jurist. We have improved, we think, and we are sure that more improvement is possible. My thanks to all the students who worked for the Wake Forest Jurist.

Beverly T. Beal

LAW SCHOOL NEWS

LAW SCHOOL ADOPTS '74-'75 CALENDAR

The Law School has tentatively adopted a new schedule for the 1974-75 school year. According to Assistant Dean Leon H. Corbett, the new calendar was prompted by changes in the calendar of the Wake Forest University undergraduate school. The main feature of the new law school calendar is the completion of final examinations BEFORE Christmas. The fall examination period will be from December 9 to December 21 and the Christmas - semester recess will be from December 22 to January 9.

Dean Corbett listed two main reasons why the new calendar would help administratively in the law school. First, the longer break between semesters will provide teachers with more uninterrupted time in which to grade papers without having to prepare for classes at the same time. Secondly, with May 12 being the last day for spring examinations, there will be a full week between exams and graduation which will be very helpful administratively.

The new schedule will be advantageous to third year students because graduation will be on May 19 which will give them a significant break between the completion of law school and the beginning of the bar review course.

Classes for the fall semester will begin on August 22 and the Easter (spring break) recess in the spring of 1975 will be reduced to a four-day weekend, from Friday, March 28 until Monday, March 31.

MR. BETHEL KELLY IS FIRST "LAWYER IN RESIDENCE"

Mr. Bethel B. Kelley is now serving in the position of "Law in Residence" at the Wake Forest law school for the 1974 spring term.

Mr. Bethel B. Kelley

His chief duties will be to aid professors in conducting the office practice, environmental law and legal bibliography courses. He will also help administer the Fourth Circuit appellate program.

Mr. Kelley, a native of Kentucky, attended the University of Michigan where he received an A.B. in 1934 and a J.D. in 1937. He was admitted to the Kentucky Bar in 1936 and to the Michigan Bar in 1937. Mr. Kelley is a partner in the Detroit firm of Dykema, Gossett, Spencer, Goodnow and Trigg. Most of his practice has been in the general corporate area, with considerable emphasis on corporate litigation and compliance with environmental regulations.

Mr. Kelley originally came to North Carolina to undergo medical treatment at the Duke University Medical Center. He stated that he had always had a desire to become involved in the academic aspect of the law. After a meeting with Dean Pasco Bowman, Mr. Kelley decided to assume the position of a "lawyer in residence" for the spring term at Wake Forest School of Law.

Mr. Kelley believes that although law students are well prepared in the traditional academic subjects, they lack the practical experience needed in the day to day practice of the law. He stresses the need for courses and clinical practice programs to remedy the problem.

By John Pirog

JESSUP CUP COMPETITION

Washington and Lee University was the victor in the Philip C. Jessup International Law Moot Court Competition for the Southeastern region held at Wake Forest March 1st and 2nd. Other teams were William and Mary, University of Louisville, University of North Carolina, University of South Carolina, University of Tennessee. Each team consisted of five members: three oralists, one of whom was an alternate, and two who assisted in the preparation of briefs. Oralists for Wake Forest were John Pirog and Michael Greeson.

The problem for 1974 dealt with the law of the sea and the power of a state to extend her territorial waters, to police the waters contiguous to her territorial waters, to seize a vessel on the high seas, and to develop mining interests in international waters.

Eighteen judges, drawn from legal persons throughout the Southeast in the military, educational and judicial fields of law, sat in panels of three, simulating the International Court of Justice. Three judges sitting in Washington, D.C. evaluated the briefs.

Participants were feted with a dinner-dance Friday night, a cocktail party at Graylyn, and a buffet dinner in the Magnolia Room late Saturday afternoon.

Commemorative pewter revere bowls were given to Washington and Lee, and to UNC, which placed second. Washington and Lee also submitted the winning brief, and James Kilpatrick of UNC was acclaimed the best oralist of the competition.

The winning team will compete April 23-27 in Washington, D.C. against other regional winners for the right to pit international legal wits against foreign teams. The national and international competition is held in conjunction with the annual meeting of the American Society of International Law, a local chapter of which was founded at Wake Forest this year under the guiding force of Prof. George K. Walker and the chapter's first president, Mary I. Murrill.

Dr. James A. Webster, Jr.

DR. WEBSTER PUBLISHES NEW BOOK

Professor James A. Webster, Jr., has published a new book dealing with real property law and designed for use by legal and commercial professionals dealing with real estate.

Entitled NORTH CAROLINA REAL ESTATE FOR BROKERS AND SALESMEN, the book was published by Prentice Hall, Inc. It focuses on North Carolian law involving sales contracts, listing contracts, options, closing arrangements, mortgages and deeds of trust, financing procedures and land use controls.

Professor Webster previously published a treaties, REAL ESTATE LAW IN NORTH CAROLINA in 1972. He was graduated from the Law School and returned as a teacher in 1954.

The 398-page book has a list price of $9.95.

STUDENT BAR ASSOCIATION REPORT

This past year the SBA underwent some changes and had more than its share of problems. Most of these problems have been remedied and the SBA is continuing to serve the students. In the early fall the SBA continued its never ending effort to place members of the third class in suitable positions upon graduation. The Placement Brocheure was edited by Mr. Buddy Herring, full-time Placement Director, and Mr. Willie Swann, a third year law student, as Student Director. Also in the fall a local policeman was engaged to fingerprint the members of the third year class, as required for application to take the bar exam. It is hoped that this will become an annual service to the members of the third-year class.

In the late fall the SBA sponsored a consumer protection symposium. Much credit goes to Mr. Henry Harkey, chairman of the SBA Speaker's Committee, for this favorably received and most informative program.

The SBA Judiciary Committee chaired by Ms. Katherine Duncan to establish a written honor code and a student honor council has received most favorable response from students and faculty.

Once again this spring the SBA will sponsor its annual Law Day program. This year's program is scheduled for April 27. The SBA is working in conjunciton with the Moot Court Board and the Winston-Salem/Forsyth County Bar to provide what is sure to be a successful program. As of the date of this article, the speaker has not been selected, but as plans near completion more details on the program will be published.

Roger S. Tripp
Chairman SBA

S.B.A.'s FALL SYMPOSIUM: CONSUMER PROTECTION

On December 12, 1973, the Student Bar Association held a fall symposium centered on the topic of consumer protection. The panel of participants included Mr. Eugene Hafer, former Assistant Attorney General of North Carolina; Mr. Raymond Jast, Legal Advisor to the Director of the Consumer Protection Division of the Federal Trade Commission; Mr. Alfred Schretter, of the law firm of Davis, Polk, & Wardwell, New York City; and Mr. William F.X. Geoghan, Jr., of the law firm of Geoghan, Tutrone, & Grossman, New York City.

The afternoon session consisted of a discussion of federal regulations and private litigation in the consumer protection field. Mr. Hafer discussed the creation in 1969 of the Consumer Protection Division of the North Carolina Attorney General's office and cited several of its duties at length: the enforcement of antitrust laws, advocacy before the various state commissions, such as the utilities and insurance commissions, and lobbying for new state legislation affecting consumer protection.

Mr. Jast, citing the inconvenience of the Small Claims Courts and the problems of reliance in a class action, said that the FTC and other governmental agencies ought to step in when the private litigation system becomes ineffective. He pointed out several

areas of the FTC, such as the Advertising Division, concerned with national media advertising; the Marketing Practices Division, which attempts, among other things, to reduce the number of people fleeced by door-to-door salesmen; the Special Statutes Division, concentrating on laws such as the truth-in-lending statutes; and the Special Project Division, which deals with unfair practices that are not necessarily deceptive.

The viewpoint from the private litigant's side was handled by Messrs. Schretter and Geoghan. Mr. Schretter discussed his defense of major corporations in medically-oriented suits. He has defended R.J. Reynolds Tobacco Company in recent cancer litigation, as well as several leading pharmaceutical houses. He noted that the 1962 amendments to the FDA regulations have resulted in a major increase in drug regulation and testing. The result of this is that the marketability of new drugs is tremendously delayed and there is a corresponding decrease in the number of new drugs developed for rare diseases with a small market that will not ultimately yield a large return on the company's investment.

On the other hand, Mr. Georghan concentrated his discussion on the plaintiff's side of this litigation. At one point, he worked in conjunction with Ralph Nader. He pointed out that the major problem with governmental regulation was the lack of manpower to police whole industries, so that agencies like the FDA must rely on the good faith of the manufacturers to conform to the guidelines that are set down. He noted that sometimes it is dangerous to even have quality guidelines, since they are interpreted by the

industry as the maximum standards rather than the minimum ones to be met in production.

The evening session of the symposium dealt with the practical aspects of problems encountered in the field of consumer protection, and there was a lengthy question-and-answer session. Each of the panel participants discussed certain procedures he had found to be particularly helpful in his particular area of litigation.

by Rebecca Ferguson

MOOT COURT BOARD

For the second year in a row, the Moot Court Board has had a team compete in the regional rounds of the National Moot Court competition. This fall twelve second and third year law students competed in local rounds of argument to decide who would represent the school in the regional meet. James Yates, Joyce Neely, and Larry Bowman were chosen by a local selections panel to compete on the official team to represent the school at Charleston, West Virginia in November. In addition, a second three-man team composed of Henry Belch, Jack Cozort, and David Pfefferkorn competed in an unofficial second team competition which Wake Forest has been encouraging in an effort to broaden the chances for more people to be involved in the program.

At the Regional arguments, both teams argued a problem involving a village which refused to extend water and sewer facilities to a low-income housing project beyond its boundaries. The village claimed its refusal was based solely upon its desire to protect its water supply but the union which planned to build the project claimed the village council was motivated by racial considerations since the project would house many minority group workers.

The official team defeated Washington and Lee and North Carolina Central University Law Schools but was eliminated from the competition by two defeats from the University of Kentucky which subsequently was chosen the third-ranked team in the nation during the National finals in New York City in December.

Plans are now underway to choose the new National Moot Court Team which will represent the Law School in next fall's competitions. The Moot Court Board is now establishing a new Intramural Competition which will be a local equivalent of the National competition. After the Intramural arguments are completed this spring the new team will be chosen partly from the Intramural competitors, partly from those on the International Moot Court Team, and partly from the Legal Bibliography class.

The Intramural Competition which is new for this spring will become a permanent feature of the Moot Court Program and is

'74-'75 Moot Court Board Officers; Joyce Neely, Assoc. Justice; Michael Walsh, Chief Justice; Michael Joseph, Assoc. Justice.

designed to encourage high quality appellate argument by individual students and to recognize outstanding student advocates with awards and prizes during the Law Day exercises. Plans presently call for local attorneys, state judges, and Federal judges to preside over the various rounds of the competition.

In March the International Law Society of the Law School will host the regional rounds of the International Moot Court Competition. Wake Forest has a five man team competing in this meeting and they will be arguing a problem that deals with the international law of the seas. Winners of this competition will compete in the final rounds to be held in Washington, D.C. later in the spring.

In addition to these programs the Moot Court Board continues to provide fact situations, supervision and panels of judges for the Practice Court II and Legal Bibliography courses. During the fall semester the Board provided actual trial records for nine rounds of argument for students in Practice Court II. This spring the Board is responsible for generating hypothetical problems for the entire Legal Bib class and then supervising the writing and argument of appellate briefs on the fact situations.

As the Moot Court Board completes its third year of existence at Wake Forest, it is now able to offer to every student in the School of Law a chance to acquire and improve his skills in appellate advocacy.

Larry Bowman
Chief Justice
Moot Court Board

NATIONAL CLIENT COUNSELLING COMPETITION

The National Client Counseling Competition for the southern law schools was held at the University of Georgia Law School in Athens, Georgia on February 2nd, and Wake Forest Law School practicipated for the first time. Wake Forest, represented by John Brown and Willie Swann, competed against the Universities of Miami, Georgia, South Carolina, Alabama, Stetson, and Emory, and finished third in the competition with first place being awarded to last year's winner, the University of Miami.

The competition consists of one 45 minute session with an "actor-client" during which time the team discerns from facts elicited from the client what particular legal problems are involved and what would be the best solution for the problem or problems. This year's problem was in the area of estate planning and it involved the making of a will and a general disposition of the client's property. Every team is judged on appearance, the personableness of the interview, the legal problems discovered, legal solutions offered and a post interview memorandum which must be dictated after the client has left the office. Such a memo is to contain general observations regarding the client, his desires, all legal problems discovered, solutions offered and what matters need further investigation.

By John Borwn
ABA/LSD Representative

CORBETT AND HERRING ASSUME NEW DUTIES

Assistant Dean Leon H. Corbett, Jr., will become a full time teaching professor at the Law School beginning in the fall. The functions which have been placed in the office of the assistant dean will be carried out by Mr. Buddy O.H. Herring, currently Director of Placement of the Law School.

In addition to Real Property Security, Trial Court, and Debtor's Estates, courses which Mr. Corbett already teaches, he will teach one half of Civil Procedure I and Civil Procedure II, splitting the class into two sections, with Professor Sizemore.

INTERNATIONAL LAW SOCIETY

In November, 1973, law students interested in the field of international law formed the Wake Forest Society of International Law. The main objectives of the organization are to create interest in and to further understanding of international law, and to acquaint students intending to pursue careers in international law with opportunities available to them.

All law students, graduate students, undergraduate students, and faculty members of Wake Forest University who have a special interest in international law are eligible for membership in this society.

George K. Walker, associate professor of law, is serving as advisor for the organization. Officers for the coming year are *President*, Mary Murrill; *Vice-President*, Frank Edrington; *Secretary*, Jody Kinlaw; *Treasurer*, Phylis Penry.

The primary concern of the society thus far has been preparing to host the Region IV 1974 Philip C. Jessup International Law Moot Court Competition.

by Jody Kinlaw

PRE-LAW COLLOQUIUM

Fifty-three undergraduate students from 15 area colleges and universities attended a Pre-law Colloquim at the Wake Forest Law School on Saturday, February 23.

Law school administrative personnel prepared the program to acquant college students with the general characteristics of law school admission, courses, study requirements, and routines. Mr. Buddy Herring coordinated the efforts.

The guests heard Dean Emeritus Carroll W. Weathers, Assistant Dean Leon H. Corbett, Jr., Dean Pasco Bowman, Dr. Robert E. Lee, Professor George K. Walker who participated in various portions of the day long event. Students leaders spoke on school organizations and student life, and Moot Court personnel presented an appellate argument to a three-judge moot court.

The students came from University of North Carolina at Greensboro, Salem, Guilford College, Appalachian State University, Pembroke State College, St. Andrews College, UNC-CH, Queens College, Wingate College, Fayeteville State University. Methodist College, Mary Baldwin College, Lenior Rhyne College and Catawba College.

NOTICE TO PHI DELTA PHI ALUMNI

In an effort to update the many incorrect or nonexistent alumni addresses in the alumni files at National Headquarters, all Phi Delta Phi alumni and active members are requested to forward their name, correct and current address, the name of their fraternity chapter, the name of law school attended, and the year of graduation to:

Mr. Daniel R. Ferry, Secretary-Treasurer
Phi Delta Phi Legal Fraternity (Ruffin Inn)
National Headquarters
1750 N. Street, N.W.
Washington, D.C. 20036

Wake Forest graduates are reminded that the Law School chapter is Ruffin Inn.

FEATURES

UNIVERSITY AFFECTED BY ENERGY CRISIS

Whether there is an "energy crisis" or not, a lot of people at Wake Forest Law School are acting as if there is. To most people here, the "energy crisis" amounts to inconvenience. It means wearing sweaters to school to stay warm; waiting in lines at gas stations (unless you have a secret contact) and of course higher utility bills. Some students have slept in their cars at gas stations to be in line the next morning.

A suprising number of students commute to Law School from such places as Mt. Airy, Lexington and Salisbury. Obviously, the gas shortage has struck home to them much harder and has even caused some to skip Saturday classes. One commuting student noted that it was often easier to get gas in rural areas because there are fewer people demanding gasoline.

In order to aid in energy conservation, Wake Forest adopted certain guidelines. This assignment was handled by Mr. Pete Moore, Director of the Physical Plant. The guidelines provide for lower building temperatures, especially from 10 p.m. - 8 a.m. and on weekends. Also, the guidlines ask that lights be cut off when rooms are not in use; in fact, some bulbs have been taken out altogether to reduce the amount of light. In discussing the problem, Mr. Moore noted, "there has not been, to my knowledge, any interrupted service. The normal functions of the University seem to have gone on." He noted that the various measures have helped but that he was constantly talking to the various departments for additional suggestions. Some of these ranged from rhetoric to real ideas. A few notable ones include recycling paper ("an ecological and economical idea, but it won't save us energy.") and lower temperatures when large groups congregate.

Mr. Moore noted that the University has not made any definite plans concerning air conditioning this spring and summer. At present, they do not plan to cut back drastically in the use of air conditioning except to the extent of turning the thermostats up higher (76-78). They also plan to de-humidify less because this process is quite costly in terms of energy use.

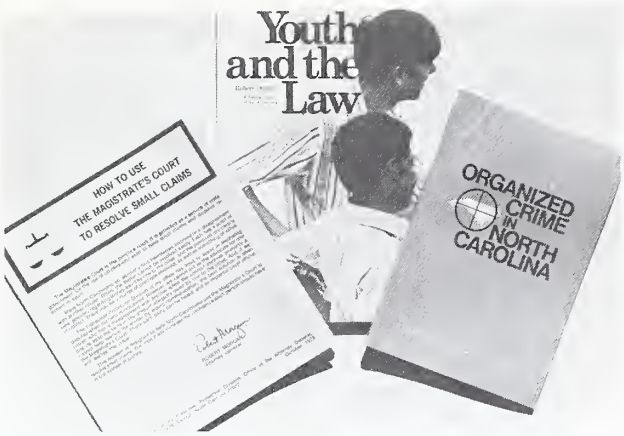
As far as the supply of energy, Moore does not anticipate any problems but he did not rule out the possibility. The mainstay of the physical plant is Number 6 fuel oil which has increased 150% in cost. The plant can convert to coal and natural gas but their use has been avoided. Normally, the plant burns natural gas from April-November.

Assistant Dean Corbett, when asked about the general effects of the "energy crisis" at Law School said, "I can't see that it's affected us in any measurable direct way." To implement the guidelines that the University established, the Law School has removed lights in the corridors and also those lights which always burn. Corbett said he encouraged all students to use the library rather than just study in a classroom. "It's hard to justify the use of a class room with the quiet and adequacy of the library." He also said that he was not aware of the need for other measures because "no student has complained of the warmth of the building."

However, some of the secretaries and faculty members have complained that their offices were too cold. To handle this administrative problem, Corbett bought a thermometer that he lets them use to test the temperatures. This generally handles the problem although some people suspect that the thermometer has no mercury and the red line ending at 68 has been painted in.

Law schools are notorious rumor mills and Wake Forest is no exception. One of the current ones is that Saturday classes will be suspended to "help out" with the energy crisis. When quizzed about this Corbett said "Nice try, but it's an academic policy that you get a better work week with six days of work. Unless there is a real problem, we don't anticipate suspending Saturday classes."

by Jack Nichols



RECENT ATTORNEY GENERAL PUBLICATIONS

Youth and the Law (Raleigh: North Carolina Justice Foundation, 1972).

A grant from the Governor's Committee on Law and Order made possible the "pulling together" of information collected by the Department of Justice, Department of Social Rehabilitation, and Department of Education. Assisted by the Office of the Attorney General this information is attractively presented to "acquaint young people with our criminal laws and show the serious and tragic consequences which may follow the commission of a crime."

The book begins with definitions of law and why we have laws. Various elements of our legal system, such as courts, police, and prisons, are discussed. Elements of crimes are set out and the theory of accessory before and after the fact is discussed.

A presentation of court procedure is included. Cases are traced from the commission of the crime through the processes of arrest, setting of bail, preliminary and trial hearings, and sentencing.

One point of the book seems to be an explaination to young people of how easy it is to get into trouble by simple acts committed without really thinking it out. The case of the young man making a harrassing telephone call, the case of a young girl from an affluent background shoplifting an inexpensive article of clothing, are acts done presented as without "thinking it out" but which all the same have some serious consequences.

How to use the Magistrate's Court to Resolve Small Claims (Raleigh: Consumer Protection Division, Office of the Attorney General, 1973).

This book, intended for the layman, sets out the proceedure followed by Magistrate's Courts in the settlement of small claims (less then $300), and how the average citizen may make use of these courts.

The Small Claims Court is a part of the District Court system, having jurisdiction where the relief sought is $300 or less. This court provides merchants with small accounts a forum to have the customer's debt established and officially recorded. It may provide a tenant a forum to force his landlord to refund a rent deposit. In short, it provides ordinary people who have problems, "Small" yet important to them, a way to enter a part of the court system and have an official "hear their case."

Samples of the forms used to process a suit are included in the booklet with easy to follow instructions in filling them out.

Organized Crime in North Carolina (Raleigh: North Carolina Organized Crime Prevention Council, 1973).

Governor Robert Scott established the North Carolina Organized Crime Prevention Council on May 27, 1971. The Council, under the Chairmanship of Attorney General Robert Morgan, has seven members with backgrounds in law enforcement, commerce, and law.

The Council examines the crime picture in North Carolina pointing out certain areas of crime tending to feel the greatest impact of the *organized* criminal element. Crimes relating to narcotics, organized theft, buying and receiving stolen goods, gambling, and cigarette smuggling are studied. The report points our problems that local law enforcement officials have in attempting to combat these forms of criminal activity.

The Council makes several recommendations to improve the ability of law enforcement agencies to combat organized crime. These include the improvement of investigative facilities and the area of law reform, to give officials tools which they feel could be used to counter this growing part of North Carolina crime.

The above publications are available from the Office of the Attorney General; P.O. Box 629; Raleigh, North Carolina 27602. *Organized Crime in North Carolina* and *Youth and the Law* are available at $1.00 each. *How to use the Magistrate's Court* is available without charge.

Michael R. Cline

A LOOK AT THE LAW LIBRARY

The changes that have come about at the Wake Forest University Law Library are almost unbelievable. The completion of the addition to the Law Building, the increase in the number of students, and the extra funds that had become available for the purchasing of Library materials, made it evident that much activity lay ahead.

To prepare for the "move" into the two new rooms of the Law Library, the staff was increased from one professional librarian and one secretary to three professional librarians, three staff assistants and a secretary. To make the library materials more accessible to the users, a project of classifying the entire collection according to the Los Angeles County Law Library Classification was begun and is about one-third of the way completed at the time of this writing. This classification

system shelves together books dealing with the same subjects, thus making research easier. Use of the card catalog will lead the researcher to the classification number used on the book he desires.

With the addition of the two new rooms, it bacame possible to have one room devoted entirely to legal periodicals and another to the regional reporters. The reporter room is entered through a lounge area which has proved to be quite a popular place among the students.

The latest project has been the furnishing of the room on the second stack level. The floor was covered with an attractive blue-green tweed carpet, shelves were added and placed between rows of typing carrels, and excellent lighting was installed.

The facilities for study have been greatly increased so that now there is a total of 201 study carrels available throughout the Library in addidtion to the tables. The book collection currently stands at approximately 50,500 volumes, and a larger staff stands ready to serve.

Certain goals remain to be achieved. It is hoped that by January 1, 1975, the collection will contain 60,000 volumes, the entire collection will be classified, and a new type of material in the form of microfilm and microfiche will be available.

By Mrs. Vivian Wilson
Law School Librarian

ELECTION: THE NORTH CAROLINA SUPREME COURT

Editor's note: Major changes in the North Carolina Supreme Court will occur in the general elections of this year. Two retiring members of the present court must be replaced, including the Chief Justice. The vitality of the Court in our system of government is reflected in the fact that individuals have announced they will compete for the opportunity to serve on the State's highest court. The material that follows is intended to take a very brief look at the group of persons seeking election to the North Carolina Supreme Court.

This May the primary elections will be held for the candidates seeking election to the North Carolina Supreme Court. The Chief Justice and the six Associate Justices serve for elected terms of eight years; in the upcoming general election three vacancies will be filled, those of retiring Chief Justice Bobbitt, retiring Associate Justice Higgins, and the seat of Associate Justice sharp, who seeks election as Chief Justice.

CHIEF JUSTICE BOBBITT RETIRES

Chief Justice William Haywood Bobbitt whose elected term expires in December, 1974, is a vative of Raleigh, N.C. He received his bachelor's degree from the University of North Carolina, and his law degree from that Law School. A resident Superior Court Judge from 1939-1954, he was first appointed Associate Justice of the Supreme Court if February 1959, and appointed Chief Justice to succeed the late Chief Justice R. Hunt Parker in 1969. He elected term expires in December, 1974.

For the position of Chief Justice three candidates will compete in the May primaries. Seeking the Democratic nomination is Associate Jurtice Sharp. Mr. James Newcomb and Judge Elrita Alexander seek the Republican nominations.

Associate Justice Susie Marshall Sharp, from Rocky Mount, attended North Carolina College for Women, and the University of North Carolina Law School. Having served as City Attorney of Reidsville and Special Judge Superior Court, she was appointed Associate Justice in March, 1962. Her present elected term expires in December 1974.

District Court Judge Elrita Melton Alexander received her undergraduate degree from the Agricultural and Technical State University at Greensboro, and her law degree from Columbia University. She presently serves as District Judge in Greensboro.

Mr. James Milford Newcombe is the first state citizen not a member of the Bar to seek the highest court position in over a century. Mr. Newcomb resides in Williamston and is the proprietor of a fire protection equipment sales business.

CANDIDATES SEEK JUSTICE SHARP'S CHAIR

For the seat now held by Assoicate Justice Sharp, Judge J. William Copeland, Mr. Eugene Hafer, and Professor James A. Webster seek the Democratic nomination. Judge James M. Baley, Jr. seeks the Republican nomination.

Judge J. William Copeland is a native of Woodland in Northampton County. Receiving his undergraduate degree from Guilford College, and his law degree from the University of North Carolina, he was elected to serveral terms in the State Senate, and has served as Legislative Counsel to former Governor Terry Sanford. While in the General Assembly he chaired the Judiciary Committe and Appropriations Committee, and is a past member of the North Carolina Bar Council. Judge Copeland presently resides in Murfreesboro, N.C.

Mr. Eugene Hafer is from Charolotte, having his undergraduate degree from University of North Carolina and later

attending the UNC School of Law in 1963. Upon graduation he served as law clerk to Justice Bobbitt. In 1970 Governor Robert Morgan appointed him Assistant Attorney General, during which time he took charge of and directed North Carolina's Office of Consumer Protection. Presently he is engaged in private practice in Raleigh.

Professor James A. Webster, Jr., received his A.B. and LL.B. degrees from Wake Forest University, and his S.J.D. from Harvard Law School. He has been Professor of Law at Wake Forest since 1954. The author of two books of real estate law, he has specialized in that subject and taught several courses in real property law. His public offices include the North Carolina General Statutes Commission, Rockingham County Board of Elections, Research Analyst for the State Commissioner of Revenue, and Consultant to the Commissioner of Insurance, to the Attorney General, and to the North Carolina Real Estate Licensing Board.

Judge James M. Baley, Jr., of Asheville, attended Mars Hill College and received his law degree from the University of North Carolina. He has served as Representative from Madison County to the General Assembly, and as U.S. District Attorney for the Western District of North Carolina. In 1968 he was a member of the North Carolina Constitutional Study Commission. His appointment to the Court Appeals came in 1973.

THREE SEEK JUDGE HIGGINS SEAT

Judge James Exum and Mr. Reginald Frazier seek the Democratic nomination for the position being vacated by Associate Justice Higgins. Judge R.A. Hedrick seeks the Republican nomination.

Retiring Associate Justice Carisle Wallace Higgins comes from Ennice, N.C., having attended the University of North Carolina undergraduate and Law schools. He has served as Solicitor of the Eleventh Judicial District, United State Attorney (Middle District of North Carolina), and was Assistant Chief and Acting Chief, International Prosecution Section, International Military Tribunal, Tokyo, from 1945-47. His appointment as Associate Justice was in June, 1954, with his present elected term expiring in December of this year.

Judge James G. Exum is from Snow Hill, N.C. His undergraduate degree is from the University of North Carolina at Chapel Hill and his LL.B from New York University Law School. After six years of private practice in Greensboro, he has served as Resident Judge, Superior Court, from 1967 until the present. His experience includes service on several judicial committees, and graduation from the National College of State Trial Judges in 1969.

Mr. Reginald L. Frazier is an attorney in New Bern, N.C. He received both his undergraduate and law degrees from North Carolina Central University. Mr. Frazier has practiced law in North Carolina since 1960.

Judge R. A. Hendrick is a native of Iredell County. He received both his undergraduate and law degress from the University of North Carolina. After serving eight years as Solicitor of Iredell County, he was elected Judge of the Iredell County Criminal Court, holding that position until 1969. In that year he was appointed one of the nine original Judges of the North Carolina Court of Appeals, being elected to that Court in 1970.

Richard Gabriel

PHYSICAL FITNESS AND THE SEDENTARY LAWYER

If you've discovered that your favorite golfing slacks are a little tight or that you don't have the get up and go you used to have, perhaps you've let yourself get into poor physical condition. Lawyers, among others, are notorious for spending so much of their time using their brains that they neglect exercising their bodies. The *Wake Forest Jurist* talked to Dr. Paul Ribisl, Director of the Human Performance Lab of Wake Forest University with regard to the problem of physical fitness.

Getting into shape and staying in shape does not take as much time as the average attorney would think. Thirty to forty-five minutes a day, three days a week will provide a sufficient time basis for an exercise program, if done on a consistent basis. One should begin to notice the benefits from the exercise in a few weeks. The following principles apply whether the exercise that you do is jogging, push-ups, chin-ups, swimming, or any other sport or calisthenics. After an adequate medical examination–for those over forty an exercise electrocardiogram (EKG) would be necessary–the attorney should decide the specific objectives that he hopes to achieve through exercising. Of primary concern should be the improvement of the cardio-respiratory endurance. However, whether one desires to lose weight or to feel better due to a healthier body, it is necessary to start exercising at a sensible level. Do not try to regain the physical fitness that was lost over a period of years in one day or one week.

The first principle of a good exercise program is a sufficient warm-up. This is especially important for those who have not done any exercise for a long period. The warm-up lessens the liklihood of injury and relaxes muscles, preparing them for further exercise. The next principle is that of "overload" and is considered by Dr. Ribisl to be the most important principle of training. In order to produce a physiological change, the body must be given a load which is greater than that to which it is accustomed. This is relative to the individual's present physical status, and for the untrained person the load is less than for the physically conditioned person. Regardless of the level of physical condition, all must stress the body with "overload" before a change will occur. Another important principle of training is that of progression. As the body adapts to the new load, there must be repeated increases in the load if continued improvement is to occur. The rate of progression is rapid at first, especially for the very unfit, but slows down as the level of fitness increases. Finally, a very important part of an exercise session that is often overlooked is the "cool down." This is achieved by tapering the intensity of the activity down gradually. Sudden cessation of activity may result in dizziness due to pooling of blood in the extremities, and this can be prevented if the activity is tapered. For older individuals, this pooling of blood is dangerous since the heart is still working hard, and the reduced return of blood makes it more difficult for the heart to get the necessary oxygen and remove wastes.

If you're one of those who feels that you don't have time to exercise, even after reading this article, just remember that as an attorney you advise clients everyday to take the time to make a will and to have titles searched. Why not take a few minutes a day for your own well being? You owe it to both yourself and your family.

By Robert Brady

On the opposite page is a statistical survey prepared by news editor Tyler Warren. The information was provided by the law schools named in response to his questions.

LAW SCHOOLS SURVEY, *by Tyler Warren*

1. What is the size of the present first year class, its average LSAT score and grade point average?

	size of class	LSAT	GPA
Washington and Lee University	83	631	3.14
University of Virginia	350	670	3.42
College of William and Mary	149	621	3.13
University of Richmond	160	580	3.10
University of South Carolina	350	600	3.0
Duke University	154	660	3.57
University of North Carolina	235	636	3.35
Wake Forest University	151	600	3.0

Note: Wake Forest class size includes the students arriving in the spring.

2. What is the present tuition rate and how much has it increased within the past year and how much, if any, will it increase within the next year?

	1972-73		1973-74	1974-75
Washington and Lee University	$1,950		$2,100	$2,250
University of Virginia	$520		$600	?
College of William and Mary				
State resident	$353		$378	?
non-resident	$888		$963	?
University of Richmond	$1400	(Fall 1971)	$2,025	$2,225
University of South Carolina	$			
state resident	$550		$570	?
non-resident	$1260		$1280	$2600
Duke University	$2400		$2500	$2600
University of North Carolina				
state resident	$460		$460	$460
non-resident	$1008	(Fall 1971)	$2017	$2017
Wake Forest University	$1539		$1700	$1900

3. What is the attrition rate (for both academic and personal reasons) of the school from the first year to graduation.

Washington and Lee University	1% - 3%
University of Virginia	2% - 3%
College of William and Mary	9%
University of Richmond	20%
University of South Carolina	33%
Duke University	5%
University of North Carolina	"so variable cannot be stated generally"
Wake Forest University	1% - 5%

LEGAL ARTICLES

STANDING: THE TAXPAYER AS AN AGGRIEVED PARTY

When a taxpayer invokes the judicial power of a court to determine the validity of a legislative action, the first question which arises is whether the taxpayer has standing to challenge the action. This is especially true where the taxpayer is alleging the unconstitutionality of a legislative enactment proposing the expenditure of tax funds. In *Stanley v. Dept. of Conservation and Development,* 284 N.C. 15, 199 S.E. 2d 641 (1973), the Supreme Court of North Carolina held that the three taxpayers seeking review of a statute authorizing the issuance of tax-free revenue bonds had standing to challenge the statute.

The plaintiffs' grievances in the three actions which were consolidated for trial were different in kind from those asserted in most tax-payer actions where the plaintiff usually opposes the expenditure of money. In this case, the plaintiffs alleged that pursuant to the N.C. Pollution Abatement and Industrial Facilities Financing Act, N.C.G.S., 159A-1 through 159A-25 (1972), (the Act), the boards of commissioners of their respective counties had created in each county a Pollution Abatement and Industrial Facilities Financing Authority. The Act conferred upon the authorities the status of corporate political subdivisions of the State for the purpose of pollution control financing in counties where employment opportunities are absent and wages and per capita income are below state averages.

The authorities received the approval of the State Board of Conservation and Development (Board) to issue tax-exempt revenue bonds to finance air and water pollution facilities and a new lumber plant, both to be leased to the Albemarle Paper Company. The Company is engaged in the manufacture of paper and paper products in the three counties involved and is a prolific polluter of the air and of the waters of the Roanoke River. The Board found that the purpose of the Act, to provide incentives to industries to attract them into depressed areas of the State to promote employment, would be carried out by the proposals of each of the three authorities.

The main contention of the plaintiffs' was that the Act is violative of N.C. Const. art. V, sec. 2 (1) which authorizes the use of proceeds of revenue bonds for public purposes only. Each plaintiff alleged that: (1) he was a taxpayer of his county; (2) he owned stock in corporations in N.C.; (3) the corporations paid taxes on property owned by them; (4) the corporations had issued bonds which were not tax-exempt; and (5) he was a person aggrieved by the Board's approval of the bond issue. They instituted this action under N.C.G.S. 143-307 (1953) which provides that "any person who is aggrieved by a final administrative decision . . . is entitled to judicial review of such decision . . . . "

Before a taxpayer, in that capacity, may challenge the constitutionality of a legislative provision authorizing the issuance of tax-exempt bonds, he must show "that the carrying out of the provision he challenges will cause him to sustain, personally, a direct and irreparable injury, apart from his general interest as a citizen in good government in accordance with the provisions of the constitution." *Nicholson v. Education Assistance Authority*, 275 N.C. 439, 448, 168 S.E. 2d 401, 409 (1969). Courts have adopted this policy because only one with a genuine grievance, one personally injured by a statute, can be trusted to battle the issue. "The gist of the question of standing is whether the party seeking relief has alleged such a personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the court

so largely depends for illumination of difficult constitutional questions." *Flast v. Cohen,* 392 U.S. 83, 99 (1968). The plaintiffs, therefore, must be able to allege a personal injury.

In *Carringer v. Alverson,* 254 N.C. 204, 208, 188 S.E. 2d 408, 412 (1961), the court held that the taxpayer did not have standing to challenge the constitutionality of a statute creating a housing authority. "He alleges he is a taxpayer. He does not allege that public money has been or is to be expended; that taxes have been or are to be levied; that debts have been or are to be incurred. Hence he fails to show his qualification to maintain this action." It is manifest that petitioners in this action cannot allege that public money from appropriations has been or is to be expended; that taxes have been or are to be levied; or that debts of the municipality or of the state are to be incurred. To the contrary, the Act specifically recites the bonds "shall not be deemed to constitute a debt of the state or of any political subdivision thereof. . . . " N.C. G.S. 159A-11 (a).

Plaintiffs also alleged that they were stockholders of corporations of North Carolina which pay taxes on their property and on bonds they issue. The N.C. Supreme Court in *Nicholson v. Education Assistance Authority,* 275 N.C. at 448, stated: "The plaintiff's allegation that he is a stockholder, or otherwise beneficially interested, in one or more corporations which pay taxes within the state, does not give him any greater right to attack the validity of any provision of the legislation in question than his own status as taxpayer would do."

The court, in this case, found it necessary to expand its prior interpretation of "injury" which is sufficient to aggrieve a taxpayer.

> "The expression 'person aggrieved' has not a technical meaning. What it means depends on the circumstances involved. It has been variously defined: 'Adversely or injuriously affected; damnified, having a grievance, having suffered a loss of injury, or injured; also having cause for complaint. More specifically, the words may be employed meaning adversely affected in respect of legal rights, or suffering from an infringement or denial of legal rights.' 3 C.J.S. 350". *In Re Assessment of Sales Tax,* 259 N.C. 589, 595, 131 S.E. 2d 441, 447 (1963).

By applying this interpretation of injury sufficient to confer standing on an aggrieved taxpayer, the court held that the three taxpayers in their own right had standing to assert the unconstitutionality of the Act. If the exemption was unconstitutional as alleged, to allow it to be enforced, although it would not directly injure the plaintiffs, would eventually increase the burden imposed upon all other taxable property. This would be direct injury.

Plaintiffs are "aggrieved" to the extent that the tax-free bonds threaten to increase the tax burden on property on which they must pay taxes. This is a more remote injury than that previously required by the N.C. courts to confer standing on a taxpayer. In this instance, the immediacy of the threat of injury is reduced to the extent that the legislature must act before a substantial threat of increased property taxes will occur. The court did not ask the taxpayer to wait until such legislative action was instituted but allowed the taxpayers to challenge the Act. To this extent, the case expands the grounds upon which a taxpayer may assert an injury when challenging the constitutionality of a state statute.

Jean Burkins

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DESCENT AND DISTRIBUTION: BAR EXAM QUESTION

Lane v. Scarborough, 284 N.C. 407, 200 S.E. 2d 622 (1973).

This is an action for a declaratory judgment instituted by the administrator d.b.m. of Tommy Curtis Colee who died intestate to determine whether defendant Lynn Wood Colee, his surviving spouse, is entitled to share in his estate.

Colee and Lynn were married in 1968 but had no children. In 1970 they executed the separation agreement. At the time of Colee's death they were living separate and apart but were not divorced. Defendants Betty Scarborough and Thomas Colee are the parents of Colee, and they claim his entire estate. Lynn also claims the estate.

The crucial aspect of the separation agreement was paragraph five. It read: "It is agreed that each of the parties may from this date, and at all times hereafter purchase, acquire, own, hold, possess, dispose of, and convey any and all classes and kinds of property, both real and personal, as though free and unmarried, without the consent or joinder of the other party, and each party does hereby release the right to administer upon the estate of the other."

The District Court and the Court of Appeals ruled that Colee and Lynn did not mutually release their right of intestate's succession as provided by N.C.G.S. 29-13 and N.C.G.S. 29-14 and that Lynn, as a surviving spouse has the right to inherit from his estate. By reason of the dissent in *Lane v. Scarborough,* 19 N.C. App 32, 198 S.E. 2d 45 (1973) defendant-parents appealed. The stipulated issue on appeal was whether Lynn, by executing the separation agreement, released her distributive share as surviving spouse in the estate of Colee.

Stating its premise for the reversal, the Supreme Court asserted that questions relating to the construction and effect of this agreement are answered by looking to the intention of the parties at the moment of its execution. Also, "A contract, however, encompasses not only its express provisions but also all such implied provisions as are necessary to effect the intention of the parties unless express terms prevent such inclusion."

Applying these principles to the separation agreement the court stated:

> In express terms they declared that they could no longer live together without endangering their health and well-being. They agreed that henceforth they would live wholly separate and apart from each other as though they had never been married and that neither would molest the other or interfere in his affairs. She agreed to make no demands upon him for support and to impose on obligation or responsibility upon him. Each agreed that the other would thereafter hold, acquire, and

dispose of 'all classes and kinds of property, both real and personal *as though free and unmarried,* without the consent or joinder of the other party' and each released *'the right to administer upon the estate of the other'* (emphasis added).

And it concluded that the surviving spouse of Tommy Colee released her right to share in his estate by the execution of the separation agreement.

Also, citing from *Bost v. Bost,* 234 N.C. 554, 557, 67, S.E. 2d 745, 747 (1951), the Supreme Court concluded that separation and property settlement agreements without "clear language or impelling implications connotes not only complete and permanent cessation of marital relations, but a full and final settlement of all property rights of every kind and character."

The probability that a drafting of a separation agreement will cost a client money is slight. But here lack of diligence in molding the agreement to the particular situation to expressly preclude the respective spouse from the right to intestate succession under N.C.G.S. 29-13 and N.C.G.S. 29-14 resulted in a controversy which eventually was settled in the Supreme Court of North Carolina. The separation agreement should remove any ambiguity by expressly stating whether a spouse is to surrender his or her intestate rights in the estate of the other.

J. Calvin Cunningham

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N.C.G.S. 29-13. Descent and Distribution upon Intestacy.

N.C.G.S. 29-14. Share of Surviving Spouse.

Vol. 26A C.J.S. *Descent and Distribution,* Sec. 58. The rights of inheritance in the property of the husband or wife are not to be denied the surviving spouse because of a separation agreement unless the prupose to exclude him or her is expressly or clearly inferable.

HIGHER TUITION: "NONRESIDENT" STUDENTS AT STATE UNIVERSITIES

Vlandis v Kline, 412 U.S. 441 (1973)

A recent decision from the Unived States Supreme Court and a pair of enterprising fledgling lawyers have dealt a serious blow to the University of North Carolina Board of Trustees' nonresident tuition regulation.

Two University of North Carolina law students first challenged the regulation, which presumptively and irrebutably defined a "legal resident" for the purpose of determining whether a student qualified for lower in-state tuition, in *Glusman v. Trustees,* 281 N.C. 629, 190 S.E.2d 213 (1972). The regulation, adopted by the Board of Trustees of U.N.C. in 1967, states that a legal resident entitled to in-state tuition "must have maintained his domicile in North Carolina for at least the six months preceding the date of first enrollment or reenrollment in an institution of higher education in this State." 281 N.C. at 630-1, 190 S.E.2d 215. The law students, each of whom intended to remain in the State for an indefinite period of time, and one of whom had married a resident of North Carolina, argued that a regulation which denies the status of a resident in so arbitrary a manner is clearly unconstitutional by virtue of the Equal Protection Clause. The Supreme Court of North Carolina disagreed, holding that this presumptive definition of "legal

resident" was merely a means to enable the State institutions of higher education to charge different tuition for instate and out-of-state residents, a right that had been approved by the United States Supreme Court on numerous occasions.

The case was then appealed to the Supreme Court of the United States, and in a memorandum decision, *Glusman v. Trustees,* 412 U.S. 947 (1973), the Court remanded the case to the Supreme Court of North Carolina for action consistent with its decision in a recent case involving a similar nonresident regulation at the University of Connecticut, *Vlandis v. Kline,* 412 U.S. 441 (1973).

The *Vlandis* case involved two students challenging the sections of a Connecticut statute under which they were permanently and irrebuttably classified as nonresidents for their entire academic careers for the purpose of determining their tuition and fees. As in the *Glusman* case, the students in the *Vlandis* case did not challenge the right of the State of Connecticut to charge higher tuition to nonresident students, but protested the arbitrary test employed to determine nonresident status. The Connecticut statute classified an unmarried student as a non-resident if, at any time during the year immediately preceding his application for admission, his legal address was outside the State of Connecticut. A married student, on the other hand, was deemed a nonresident under the terms of the statute if his legal address was outside Connecticut at the time of his application for admission to the Connecticut university.

While once again upholding the right of a State to charge nonresidents higher tuition than is charged resident students, the Supreme Court rejected Connecticut's simplistic statutory test for determining the resident or nonresident status of its students. The Court dismissed the State of Connecticut's argument that its statutory method of classifying nonresidents properly distinguished between the children of life-long Connecticut taxpayers who were entitled to lower tuition rates, and the children of nonresidents or recent arrivals to the State who had contributed little or nothing in the way of taxes over the years. A statute with such litmus test efficiency, felt the court, did not insure that recent arrivals to the State intending to remain indefinitely, or that former Connecticut residents who had absented themselves for a few years, would be accorded the lower tuition rates, and, ironically, that same statute enabled some recent arrivals, who happened to be married, to obtain the lower tuition rate regardless of their intentions to remain in Connecticut.

Furthermore, the Court rejected any "old residents vs. new arrivals" distinction as a basis for charging lower tuition rates to some students, relying upon its holding in *Shapiro v. Thompson,* 394 U.S. 618 (1969). In other words, the Court disapproved the notion that lower in-state tution rates should be reserved to reward only those students whose families have lived and paid taxes in the State over a substantial number of years. Further, it overruled the idea that a State may use an arbitrary formula for determining nonresident status without going further to determine the individual merits of a particular student's situation. In the words of Mr. Justice Stewart:

> . . [S] tandards of due process require that the State allow such an individual the opportunity to present evidence showing that he is a bona fide resident entitled to the in-state rates. 412 U.S. at_____.

In view of the *Vlandis* decision, the Supreme Court of North Carolina had no choice but to reverse its prior ruling in the *Clusman* case. Chief Justice Bobbitt held that a student at a State university who was classified as a nonresident upon his original enrollment and charged the higher nonresident tuition can become by establishing his domicile in North Carolina for at least six months, entitled to in-state tuition status regardless of the fact that during those six months he was enrolled in a State institution of higher education.

In view of these decisions it is clear that a revision of the Board of Trustees' regulations for determining the resident or nonresident status of students is in order. More important, it is clear that bureaucratically efficient methods of classification must give way to a more flexible system of judging individual meritorious claims which fall outside the regulations.

A more far-reaching effect of the *Vlandis* decision across the nation is the likelihood that the number of out-of-state students admitted to State universities will drop to even lower levels than at the present

Michael G. Walsh

THE MANDATORY DEATH PENALTY: LEGISLATIVE ALTERNATIVES

The United States Supreme Court, in a 5-4 decision, has held that the imposition and carrying out of the death penalty in certain cases constitutes cruel and unusual punishment in violation of the Eighth and fourteenth Amendments of the Federal Constitution. *Furman v. Georgia,* 408 U.S. 238 (1972). The North Carolina Supreme Court has interpreted the *Furman* decision as prohibiting the imposition of the death sentence if it is within the discretion of either the judge or jury to impose that sentence. *State v. Waddell,* 282 N.C. 431, 194 S.E.2d 19 (1973). The effect of the *Waddell* decision was to invalidate certain statutory provisos which gave the jury the discretion to recommend life imprisonment in lieu of the death penalty. But the Court held that the invalid provisos were severable from the remainder of the statutes to which they applied. The Court construed the remainder of each statute to be the only valid expression of legislative intent with respect to capital offenses. Thus, the death sentence became the mandatory penalty in North Carolina for persons convicted of murder in the first degree, rape, burglary in the first degree, or arson. [See N.C.G.S. 14-17, -21, -52, -58 (1969). Also, see 9 W.F.L.Rev. 135 (Dec., 1972.)]

Cognizant of the *ex post facto* effect of the *Waddell* decision upon persons then serving life sentences for capital offenses, the Court limited the application of the mandatory death penalty of offenses committed subsequent to January 18, 1973, the date of the decision. The Court further noted that the law-making authorities must ultimately decide the status of the death penalty in this state.

Several legislative alternatives have been advanced. First, the legislature could simply do nothing, thereby signifying its approval of the mandatory death penalty for existing capital offenses. Second, the mandatory death penalty could be extended to some or all crimes in which it was previously optional. It appears that the Nixon administration has adopted this avenue of reform on the federal level. The administration advocates the death penalty for assassination, treason, kidnapping, air hi jacking and murder of federal law enforcement officials and prison guards. A third alternative, and the one which was adopted by the Georgia legislature is response to the *Furman* decision, would involve retaining the optional death penalties, but in addition, establishing statutory guidelines for judges and juries to follow in assessing the penalty. For example, the Model Penal Code sets forth eight aggravating circumstances and eight mitigating circumstances that could be

used as guidelines in determing the sentence to be imposed upon conviction of murder. However, a limited amount of discretion would still repose in the judge or jury so that the constitutional validity of this approach is questionable. Fourth, the legislature could abolish the death penalty *in toto*. The North Carolina Civil Liberties Union supports this alternative on the grounds that the death penalty is cruel and unusual punishment, denies equal protection, and does not deter the commission of crimes.

It is apparent that the General Assembly will be strongly encouraged to take some affirmative action in the near furture in order to clarify the status of the death penalty in North Carolina.

David Lee

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GUIDELINES TO VOICE IDENTIFICATION:

State v. Jackson
284 N.C. 321, S.E.2d (1973)

In this case, the North Carolina Supreme Court set guidelines to voice identification testimony by applying constitutional principles which are usually applied in other areas.

Miss Simpkins was living alone in an upstairs apartment in Wilmington, N.C. On May 17, 1972, Miss Simpkins retired to bed at 1:00 a.m. A movement in bed awakened her at 2:30 a.m. There was a naked black man in bed with her, holding a pair of sharp shears to her throat. By intimidation and force, the man accomplished sexual intercourse with Miss Simpkins. The man prepared to leave but prior to leaving he said, "No, no don't call the police." However, Miss Simpkins did call the police. The police investigation uncovered a latent fingerprint on one of her apartment windows through which the assailant had presumably entered. The fingerprint was matched with one already on file. The police arrested the defendant.

The authorities showed Miss Simpkins a picture of the defendant to see if she could identify the man as her assailant. They also exhibited to her the statements concerning the matched fingerprints and informed her that they had arrested the man. Miss Simpkins was unable to identify the man's picture at that time.

Miss Simpkins, perchance, confronted the accused at the conclusion of his preliminary hearing. She heard his voice and positively identified him as her assailant. She then and later claimed the identification was based on the voice of the defendant as she heard it on the night of her rape.

At the trial, the solicitor inquired of Miss Simpkins whether she recognized the defendant's voice. Defendant's counsel objected, and a voir dire hearing was conducted. Miss Simpkins stated she was positive, beyond a reasonable doubt, that the

defendant was the man who had raped her. In detail, she described what particulars about the voice made her so sure that this was the man. She said, "He had long 'O's'. They were very full 'O's'." The trial judge determined that the voice identification of Miss Simpkins was admissible. The jury found the defendant guilty.

The issue on appeal to the North Carolina Supreme Court was whether the admission of this evidence violated due process of law. It would violate due process, "if the confrontation conducted in this case was so unnecessarily suggestive and conducive to irreparable mistaken identification." *(Stovall v. Denno)* 388 U.S. 293 (1967).

The court had to make this decision based on principles usually applied to identifications by sight. Its opinion was that the same constitutional principles applied equally as well to voice identification.

The basic principle applied was that the accused's constitutional right of due process was not violated if the "totality of the circumstances surrounding the confrontation" indicated a necessity *(Stovall v. Denno)* or that there was ample evidence of identification of an independent nature. *(State v. Gatlingg,)* 275 N.C. 625, 170 S.E.2d 593 (1969). In this case the lower court judge found that the identification was of an independent nature, and the Supreme Court felt that there was ample evidence to support this finding.

The Supreme Court also decided that voice identification testimony had to be voluntary if it were not to violate due process. Although this principle is associated with confessions, the court, in determining whether the evidence was admissible, applied the principle to voice identification testimony. It found no suggestion in this case that the identification was involuntarily given. The police did not push her to identify the man, nor did she ever change her testimony due to police statements or the confrontation.

The court, finding that neither of these principles had been violated, decided that the confrontation did not establish a very substantial likelihood of irreparable misidentification. The court found no error in allowing the voice identification testimony. Several pressing questions and their possible solutions evaled from this case.

There was no error in *State v. Jackson, supra,* but is voice identification itself conducive to error? The following cases point out some of the problem areas.

Is voice identification reliable? "Voice identification involves grave danger to the suspect." *(Palmer v. Peyton,* 359 F. 2d 199 (1966). The court states and quotes:

> Even in ordinary circumstances we must be cautious and accept only with reserve what a witness pretends to have heard. All the more must it be so if there are special difficulties in the way it, for example the voice comes from a great distance, if it is shrill, muffled, or presents other peculiarity. The same is true if the person whose voice has been heard is of a different nationality from the listener, if he speaks another dialect, or is better or less educated. Criminal Investigation, Jackson ed. (5th ed. 1962), at 41-42.

Does the *Stovall Case* actually set a standard of due process that can be followed? Justice Black states, "Such a constitutional formula substitutes this court's judgement of what is right for what the constitution declares shall be the supreme law of the land". *(Stovall v. Denno)*

Does the prosecution have the burden of proving beyond a reasonable doubt that Miss Simpkins' testimony was based on the original encounter rather than the court confrontation? Possibly not. (Hall , Kamison, LaFave, Israel, *Modern Criminal Procedure* 3rd ed.) at 577-579.

Richard L. Tice

BIBLIOGRAPHY

Biggers v. Tennessee, 390 U.S. 404 (1968) -Dissenting opinion by Justice Douglas on the danger of prejudice by the use of voice identification.

Stovall v. Denno, 388 U.S. 293 (1967) Sets forth the basic constitutional principle the court used to determine if confrontation violated due process.

State v. Coleman, 270 N.C. 357, 154 S.E.2d 485 (1967) States that as a general rule the weight of voice recognition is a question for the jury.

State v. Taylor, 280 N.C. 273, 185 S.E.2d 677 (1971) Where the court can declare that a constitutional error is harmless beyond a reasonable doubt, it does not require an automatic reversal.

State v. Harris, 279 N.C. 177, 181 S.E. 2d 420 (1971) When trial judge holds a voir dire hearing and determines that the in-court identification is of an independent nature, the evidence is admissible.

STATUTORY CHANGE: Procedured for the Release of the Acquitted-Insane Revised.

The 1973 Session of the North Carolina General Assembly passed a much needed revision to N.C.G.S. 122-86 which completely changes the statutory handling of persons acquitted of crimes by reason of insanity. Prior to this revision the statute had been rendered completely unworkable by the North Carolina Supreme Court rulings declaring the statute unconstitutional and subsequent attempts by the legislature to remedy the defect.

N.C.G.S. 122-86 provided that persons acquitted of a capital felony on the grounds of mental illness and subsequently committed to a state mental hospital could not be released except by an act of the General Assembly. Persons acquitted of all lesser degrees of crime could only be discharged by the Governor. In 1904, the North Carolina Supreme Court held in *In Re Boyette,* 136 N.C. 415, 48 S.E. 789 (1904) that this statutory scheme was an unconstitutional suspension of the writ of habeas corpus and constituted a legislative infringement on the judicial function to issue the writ of habeas corpus in proper cases.

The 1905 Legislature responded to the *Boyette* ruling by re-enacting the original statute but adding a proviso which allowed the writ of habeas corpus to be granted but conditioned its issuance on the certification by the superintendents of the several state hospitals that the person was sane and no longer needed detention to protect himself or society. This revised version of N.C.G.S. 122-86 apparently stood unchallenged for about sixty-five years.

In 1972, however, the North Carolina Supreme Court again struck down the statute in the case of *In Re Tew,* 280 N.C. 612, 187 S.E.2d 13 (1972). The Court reaffirmed its prior invalidation of the first part of the statute and went on to hold that the proviso requiring the certification of the

superintendents of the several state hospitals was invalid because it did not meet due process requirements.

In direct response to the *Tew* decision, the 1973 Legislature completely rewrote N.C.G.S. 122-86 and eliminated all of the objectionable language. Under the new version the committed person has the right to petition for habeas corpus to gain his release. At the hearing the petitioner has the burden of proving that he is now recovered from his illness and no longer requires hospitalization to avoid danger to himself or others. No longer is certification from the hospital superintendents necessary. After the hearing the judge is empowered to release the petitioner unconditionally, to release him conditionally, or return him to the custody of the hospital.

The one major question which the statute does not answer is whether it provides the only method for release, No consideration appears to be given, for instance, to whether the doctors of the hospital may release a committed person without resort to the courts just as they can do in civil commitments. No reason appears why N.C.G.S. 122-86 should be the exclusive method for release but the reaction of state hospital directors remain to be seen.

Persons interested in this area of the law should consult N.C.G.S. 122-84 which outlines the procedures for commitment of an acquitted person. The new N.C.G.S. 122-86 deals only with persons already committed and has no effect on the actual procedures for commitment.

Larry Bowman

RESEARCH BIBLIOGRAPHY

1. *In Re Boyette,* 136 N.C. 415, 48 S.E. 789 (1904).

2. *In Re Tew,* 280 N.C. 612, 187 S.E. 2d 13 (1972).

3. N.C.G.S. 126-84 (1963).

4. N.C.G.S. 126-86 (1963).

5. N.C.G.S. 126-86 (1973).

CIVIL PAUPER APPEALS

You represent a client *in forma pauperis* in a civil action. The court holds against you and you desire to appeal. What provisions are there in North Carolina for pauper appeals in civil cases? Especially, may your client be provided with a free transcript?

N.C.G.S. 1-288 sets out the grounds for appealing in forma pauperis.[1] Briefly, there must be an affidavit that your client 1) is unable to pay the deposit or give security because of his poverty, and 2) is advised by an attorney that there is error in the decision. The affidavit must be accompanied with a statement of the attorney indicating his opinion that the decision is contrary to law.

Compliance with the above provisions is considered mandatory and jurisdictional.[2] The courts have very strictly construed the provisions of N.C.G.S. 1-288.[3] If they are complied with, "It shall be the duty of the judge or clerk of said [trial] court to make an order allowing said party to appeal . . . without giving security therefore."[4] No mention is made of relieving the pauper from bearing the costs of the transcript.

There are special provisions for pauper appeals in the North Carolina Court of Appeals Rules.[5] Rule 22 says the pauper may file nine typewritten copies of his brief and of the record on appeal. If the appellant prevails, the costs will be taxed against the appellee. Rule 26 considerably reduces the costs of reproducing the record on appeal for paupers, from a maximum regular charge of $1.50 per page to 25 cents.

Even with the special provisions and rules for pauper appeals, it is evident that the cost of preparing the record on appeal may be burdensome. It would especially be so if the

alleged errors are such that the entire transcript would be needed to adequately reflect them. The question thus arises whether the cost of preparing a transcript may be so burdensome in some instances as to effectively deny the pauper the right to appeal.

North Carolina has not had a case on providing free transcripts for more than fifty years.[6] The older cases all held that the cost of a transcript is to be paid by the appellant.[7] The trial court is presumed to be correct in matters of law and "public officers are not called upon to render gratuitous services to impeach the result of the trial already had."[8]

To deny a person a thorough review of alleged errors strictly because of his financial ability may run contrary to modern notions of fairness and equal protection.[9] There is an undeniable trend to reinforce the old common law doctrine of placing all men equally before the law.[10] Not surprisingly, this egalitarian resurgence was first felt in criminal law where the concepts of due process and equal protection become most crucial when a person's life or liberty is at stake. However, concepts of equal protection have infiltrated civil actions in such purely civil cases as divorce.[11]

Lee v. Habib, 424 F.2d 891 (D.C. Cir. 1970), addresses directly the question of free transcripts in civil pauper appeals. The case arose out of a suit for possession of leased property. The court held that a free transcript should be provided if the trial or appellate court certifies that the appeal raises a substantial question to be resolved. The court was careful in pointing out that not "every civil case will require a transcript on appeal."[12]

Lee v. Habib applied the equal protection rationale of the criminal case of *Griffin v. Illinois;* it came very close to declaring that there is a constitutional right to a free transcript where substantial issues are involved. The court did not go so far, however, because the court was "mindfall of our obligation to avoid reaching constitutional issues whenever possible."[13]

Although North Carolina has special provisions which more easily enable the civil pauper to appeal, there have been no recent decisions on whether an appellant may be provided a free transcript as a matter of right. *Lee v. Habib* suggests there is a right to such a transcript if the appeal involves a substantial question. If the question should be presented in North Carolina, hopefully the trend of placing all men equally before the law will be applied in providing all men an equally thorough appellate review.

Thomas M. Doerk

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1. N.C.G.S. 1-288 (1971). First enacted in 1873.

2. *In re Burrus,* 275 N.C. 517, 169 S.E.2d 890 (1969).

3. *McIntire v. McIntire,* 203 N.C. 631, 166 S.E. 732 (1932).

4. N.C.G.S. 1-288 (1971).

5. Appx. 1, Rules 22, 26, N.C. Ct. of App. Rules.

6. Most recent is *Dun v. Clerk's Office,* 176 N.C. 50, 96 S.E. 738 (1918).

7. *Bailey v. Brown,* 105 N.C. 127, 10 S.E. 1054 (1890).

Speller v. Speller, 119 N.C. 356, 26 S.E. 160 (1896).

8. *Bailey v. Brown,* 105 N.C. 127, 10 S.E. 1054 (1890).

9. *Griffin v. Illinois,* 351 U.S. 12 (1955). (If lack of transcript in effect means lack of right to appeal in criminal cases, due process is violated.)

10. For a discussion of this in North Carolina, see Coffield, *Indigents in Civil Court,* 49 N.C.L.Rev. 683 (1971).

11. *Boddie v. Connecticut,* 401 U.S. 371 (1971). Note especially Brennan's concurring opinion.

12. *Lee v. Habib,*, 424 F.2d 891 (D.C. Cir. 1970) at 904.

13. *Id.* at 902.

On the next three pages are the names and addresses of 1st and 2nd year students who are available for employment as law clerks this summer. If you are interested in employing any of them, please contact them individually.

SUMMER PLACEMENT SERVICE

Paul Lewis	P.O. Box 9157, Reynolda Sta. Winston-Salem, N.C. 27109	Winston-Salem Area
Paul C. Shepard	Apt. 24, The Villas Winston-Salem, N.C. 27109	Winston-Salem Area
David H. Bowden	4111R Bethania Sta. Rd. Winston-Salem, N.C. 27109	Winston-Salem Area
John P. McAdams	204B Wake Forest Student Apt. Winston-Salem, N.C. 27109	Winston-Salem Area
Joyce Riddle Neely	628 Yorkshire Rd. Winston-Salem, N.C. 27106	Winston-Salem Area
Paul Sinal	4175 Student Dr. Winston-Salem, N.C. 27106	Winston-Salem Area
Richard L. Tice	106A Wake Forest Student Apt. Winston-Salem, N.C. 27109	Winston-Salem Area
Elva L. Jess	2742A Basswood Court Winston-Salem, N.C.	Winston-Salem Area
Michael W. Drye	2300 Faculty Drive Winston-Salem, N.C. 27109	Winston-Salem Area
David W. Greenfield	4850N Thales Rd. Winston-Salem, N.C. 27104	Winston-Salem Area
Melvyn H. Brown, Jr.	1535 Woods Rd., Apt. 603 Winston-Salem, N.C. 27106	Winston-Salem Area
Sam Neill	Box 6096, Reynolda Sta. Winston-Salem, N.C. 27109	Winston-Salem Area
Greg Hinshaw	Apt. 11, 3925 Bethania Sta. Rd. Winston-Salem, N.C.	Winston-Salem Area
David Y. Bingham	2749 Reynolda Station Rd. Winston-Salem, N.C. 27107	Winston-Salem Area
Richard M. Lewis	2720 Reynolda Rd. Winston-Salem, N.C.	Winston-Salem Area
Dianne C. Sellers	4370 Johnsborough Ct. No. 30 Winston-Salem, N.C.	Winston-Salem Area
Mary Katherine Nicholson	2059 Bethabar Rd. Apt. 21 Winston-Salem, N.C.	Winston-Salem Area Raleigh, Chapel Hill, Hillsboro, Greensboro
Kenneth E. Brody	204 Huffman Hall Winston-Salem, N.C.	Pittsburgh and Subura
Martha D. Finlator	Box 9202, Reynolda Sta. Winston-Salem, N.C. 27109	Raleigh Area

Henry V. Ward, Jr.	2742 Greenwich Rd. Winston-Salem, N.C. 27104	N.C. Coast, Hickory Area, Winston-Salem Area
Fred D. Poisson, Jr.	P.O. Box 9215, Reynolda Sta. Winston-Salem, N.C. 27109	Wilmington, Raleigh, Washington, D.C.
Daniel D. Khoury	9084, Reynolda Sta. Winston-Salem, N.C. 27109	Asheville
Irvin R. Sink	210B, 2300 Faculty Dr. Winston-Salem, N.C. 27106	Winston-Salem Area, Lexington
William R. Manuel	4230 Brownsboro Rd. Apt. 24 Winston-Salem, N.C. 27106	Winston-Salem, Greensboro, Pilot Mt.
Myra DeLapp	630-G Rugby Row Winston-Salem, N.C.	Winston-Salem, Lexington
John P. Siskind	2660 Nantucket Drive Winston-Salem, N.C.	Winston-Salem, Lexington, Greensboro, High Point
Robert A. Benson	22 Wake Forest Trailer Park Winston-Salem, N.C. 27106	no preference
James G. Wallace	144 Marvih Blvd. Winston-Salem, N.C. 27105	no preference
Norman Dean Kohl, Jr.	5686 Chacerllorsville Dr. Winston-Salem, N.C. 27106	Winston-Salem Southern California
Christopher S. Crosby	P.O. Box 28 Kings Mountain, N.C. 28086	Winston-Salem
Jerry Atkins	545 Oak Lawn Winston-Salem, N.C.	Durham
Rebecca Ferguson	1503 Northwest Blvd. Winston-Salem, N.C. 27104	no preference
Jack Henson	Box 9387 Reynolda Sta. Winston-Salem, N.C. 27109	Winston-Salem Area
Richard Gabriel	3828-L Country Club Rd. Winston-Salem, N.C. 27104	Greensboro, High Point, Winston-Salem Area
Linda Bridgman	390M Glendare Dr. Winston-Salem, N.C.	Orange Co., Chapel Hill, Dare Co.
Dale D. Glendening, Jr.	1888 Faculty Dr. Winston-Salem, N.C.	Washington, D.C., Cumberland Co., Forsyth Co.
Allan B. Gray	322 N. Green St. Winston-Salem, N.C. 27101	Winston-Salem, Greenboro, Burlington, Piedmont
Dwight L. Crowell	3052 Greenway Ave. Winston-Salem, N.C.	Winston-Salem, Greensboro, Rowan Co.

Stuart C. Ours	1711 Aberdeen Terrace Winston-Salem, N.C. 27103	Winston-Salem, Greensboro High Point, King, Kernersville
Randolph E. Shelton, Jr.	2806A Teakwood Ct. Winston-Salem, N.C. 27106	Forsyth Co. and Adjacent Counties, Fayetteville Area
Steven G. Gibson	220 Capistrano Dr. Winston-Salem, N.C.	High Point, Winston-Salem
Henry A. Harkey	1019 W. 5th St. Winston-Salem, N.C. 27101	Charlotte, N.C.
Sharon T. Rayle	Rt. 3, Box 488 Summerfield, N.C. 27358	Greensboro
H. Denton Bumgardner	1903 W. Polo Rd. Winston-Salem, N.C.	The Coast, New England
Dennis G. Bengtson	3915 Bethania Sta. Rd. Winston-Salem, N.C.	East Coast
Christopher Covey	5-D Hilton West	Greensboro, N.C. 27409 Greensboro

ALUMNI NEWS

ADRIAN NEWTON: SUPREME COURT CLERK

Adrian Jefferson Newton, who refers to himself as "the ancient Clerk", has served as Clerk of the Supreme Court of North Carolina longer than any of his eleven predecessors. Raymond M. Taylor, Supreme Court Marshal and Librarian, has written concerning Mr. Newton the following:

> Most lawyers are at home in their own county courthouses, but it always has been with some anxiety and not a little uncertainty that even the most seasoned practitioners have approached the highest court of their state. It has been in such times that the Bar has found in Adrian Newton a knowledgeable, hospitable, courteous, efficient, and understanding friend, confidant, and appellate procedure expert.

Newton has always been willing to lend a sympathetic ear and give helpful advice to members of the Bar in their dealings with the Supreme Court. In so doing he has often dissipated the clouds of anxious uncertainty from the minds of many attorneys as they confronted the state's highest court and befriended himself to many Tar Heel lawyers.

Born September 30, 1901, on a farm near Thomasville in Davidson County, Adrian Newton is one of five children born to the Reverend Jefferson Davis Newton and his wife, Martha Mills Newton. Studying law under Gully, Timberlake, and White he received a Bachelor of Laws degree from Wake Forest College on June 5, 1925, where he served as Captain of the Wake Forest tennis team. While at Wake Forest Newton was also President of the Euzelian Literary Society and Business Manager of the *Old Gold and Black.* He is a member of Order of Golden Bough, Omicron Delta Kappa, Kappa Sigma, and Phi Delta Phi. Prior to having been admitted to the North Carolina Bar in 1928, Newton had already worked as Thomasville City Clerk, Thomasville Recorder's Court Clerk, and Assistant Clerk of the Superior Court of Davidson County. This employment served not only to introduce him to the legal profession but also helped him obtain his college education. It was in Lexington that he began practicing law in 1926, and two years later he was elected Judge of Davidson County Court. This was remarkable in that this was a year when the Republican candidate for President carried North Carolina and virtually all of the other public offices of Davidson County were won by Republicans–Newton is a Democrat. After being reelected in 1930 and 1932 Judge Newton returned to his practice of law in 1934. In 1936 he managed Clyde R. Hoey's campaign for Governor in Davidson County. He was appointed as the first General Counsel of the North Carolina Unemployment Compensation Commission in 1937; this position necessitated his move to Raleigh where he has resided since that time.

It was on October 15, 1941, that he was appointed Clerk of the Supreme Court of North Carolina, succeeding Edward Murray, who had died. Subsequently, the Supreme

Court reelected him to eight-year terms as its Clerk in 1949, 1957, and 1965. His record of excellent service was responsible for his being tendered the position as Clerk of the World Court in Tokyo in 1945—a position which he declined, preferring instead to continue his service in North Carolina.

As Clerk of the North Carolina Supreme Court he is responsible for the overseeing of the printing and arrangement of the briefs and records. Newton does not tell attorneys what to do; he merely suggests changes which will make the briefs and records procedurally correct leaving the decision to the attorneys themselves. While complaining of occasional noncompliance with the rules and the decisions of the Court, Newton has found his work most satisfying. He proudly recounts that he has served under seven chief justices and has successfully adjusted himself to work under all seven. Many changes have taken place since that commencement of his tenure as Clerk. Among them is the alarming increase in the number of indigent criminal cases brought before the Court. The statistics Newton compiled on this are incredible—of the 95 criminal appeals in 1973 where written opinions were filed, 70 were indignet and of the 149 petitions for certiorari in criminal cases in 1973, 100 were indigent cases. Many people have suggested that the Clerk write a book of his experiences with the Court, but he is reluctant to do so for fear that he might devulge some confidence reposed in him by present or former members of the Court. The Michie Company has requested him to write a form book for the use of North Carolina lawyers. While not ruling this possibility out, he prefers to wait until the revision of the appellate rules. The Committee on North Carolina Appellate Practice and Procedure, sponsored by the North Carolina Bar with the approval of the courts, is currently working on a revision of these rules; Newton serves on this committee.

Many honors and distinctions have come to Adrian Newton; among them are his listing in the "North Carolina Biography" volume of *North Carolina: The Old North State and the New* (1941) and in Powell, *North Carolina Lives: The Tar Heel Who's Who* (1962), his designation as "Tar Heel of the Week" by *The News and Observer* on June 6, 1954, and his selection for inclusion in *Who's Who in the South and Southwest.* He has been very active in both his church and in civic affairs. On December 13, 1972, Adrian Newton suffered a deep personal loss in the untimely death of his son, Henry. Henry was graduated by the Wake Forest School of Law in 1966 and practiced law in Raleigh until his death.

On October 18, 1973, at the expiration of his fourth term he had planned to retire but the members of the Supreme Court requested that he continue as Clerk—to date he has and many attorneys hope that he will continue to do so. As Andy Griffith might say, Adrian Newton has done his school proud.

Charles R. Brewer

JUDGE GEORGE D. TAYLOR RECEIVES GOLDEN DEED AWARD

Judge George D. Taylor, a 1930 graduate of the Law School and Judge of Criminal District Court, Jefferson County, Texas, was named as the recipient of the 1973 Golden Deeds Award made annually by the Exchange Club of Beaumont, Texas. The award was given at a banquet in his honor held in Beaumont on May 22, 1973. Judge Taylor, 67, was selected for the award because he had been active in community affairs throughout his life in Beaumont "with no hope of material gain." He was selected for the award by a committee composed of one member of the Exchange Club and five members from the community at large.

Judge Taylor left the private practice of law in 1963 to assume the responsibilities of Judge of Criminal District Court. He has organized a system of volunterrs for counseling probationers. He is now serving his third term as Judge, and has made known his

decision to retire at the end of the present term, which is December 31, 1974

Active in community affairs, Judge Taylor is a member of the Beaumont Masonic Lodge, the Young Business League, the Chamber of Commerce and the Kiwanis Club. He was also the first chairman for the State of Texas for the USA observance of Law Day, and a member of the board of directors of the Beaumont Cerebral Palsy Foundation. Judge Taylor married Ruby Mae Baten of Beaumont and has lived there since 1946. The Taylors have one daughter, Mrs. Anna Gordon Taylor Lowry, who lives in San Antonio. Judge Taylor is an inactive member of the North Carolina State Bar.

Mike Joseph

CLASS NOTES

1967

Jonathan D. Reiff who now resides in Athens, Ohio teaches Business Law at Ohio University.

1969

W. Fred Williams, Jr. has joined the Greensboro law firm of Clark & Tanner.

1970

Richard M. Pearman, Jr. has opened an office for the practice of law in Greensboro, N.C.

1972

Woodrow W. Gunter, II is now an associate of the firm of Webb, Lee, Davis & Gibson in Rockingham, N.C.

Carl W. Hibbert, and J. Larkin Pahl have formed a partnership with Fred J. Smith, Jr. in Raleigh, N.C.

John Paul Simpson is practicing law with Bennett & McConkey, PA in Morehead City, N.C.

CLASS OF 1973

Benjamin H. Bridges, III is working in Salisbury with Woodrow, Hudson, Busby & Sayers.

Ronald C. Brown is associated with Pope & Brown in Asheville.

Steven E. Byerly is employed by Morgan, Byerly, Post & Keziah in High Point.

Robert K. Catherwood is now in association with Zollicoffer & Zollicoffer in Henderson.

James C. Cook is in the employ of Booe, Mitchell, Goodson & Shugart in Winston-Salem.

James E. Cross, Jr. is in Oxford working with Hugh M. Currin.

Francis E. Dail is in the firm of Page, Neville & Monroe in Pinehurst.

G. Redmond Dill, Jr. is working with David C. Swift in Valdese.

Charles F. Eakes is employed by Atlantic Mortgange & Investment Co. in Winston-Salem.

DeLyle M. Evans has set up practice in Ayden.

James C. Eubanks, III is associated with Deal, Hutchins & Minor in Winston-Salem.

T. Eric Fields is practicing law with John B. Exum in Rocky Mount.

Daniel A. Frazier is working with Nationwide Insurance Co. in Raleigh.

R. Lee Farmer has formed a partnership with Robert R. Blackwell in Yanceyville, N.C.

Thomas R. Frizzell is in the United States Army.

Richard L. Goard is in the employ of Bailey and Thomas in Winston-Salem.

Edward B. Higgins, Jr. is practicing law in Kernersville.

Walter L. Hinson is in Wilson with the firm of Parker & Miles.

Robert E. Hodges is with James Simpson in Morganton.

I. Manning Huske is associated with Hamel & Cannon in Charlotte.

George B. Hyler, Jr. has joined Riddle and Shackelford, P.A. in Asheville.

William T. Jeffries is in Charlotte working with Lame & Helms.

Walton C. Jennette, Jr. is employed by the First National Exchange Bank in Roanoke, Virginia.

Robert F. Johnson is with Frank Winfree in Burlington.

Marion L. Johnston, Jr. is serving with the United States Army.

Richard F. Landis, II is presently working with Wallace, Langley, Barwick, & Llewellyn in Kinston, N.C.

Moses D. Lasitter is now with the firm of Lee & Hancock in New Bern, N.C.

Robert J. Lawing is associated with Hudson, Petree, Stockton, Stockton & Robinson in Winston-Salem, N.C.

Kenneth M. Millman has been employed by James C. Sabo in Georgetown, Delware.

William S. Moore is practicing law in Portsmouth, Virginia with Roland W. Dodson.

Joseph T. Nall is working with George B. Mast in Smithfield, N.C.

E. Hilton Newman has opened an office in Wilmington, N.C.

Richmond H. Page is with Ellis E. Page in Lumberton, N.C.

Marvin P. Pope, Jr., has started the firm of Pope & Brown in Asheville, N.C.

Thomas W. Prince has opened an office in Kernersville, N.C.

Jimmy D. Reeves is in West Jefferson, N.C. working with Wade S. Vannoy, Jr.

Michael C. Reeves is with the Manteo, N.C. firm of Kellogg, Wheless & White.

Gary F. Roberson has joined the United States Army.

C. Franklin Stanley, Jr. now has an office in Tabor City, N.C.

Robert H. Swennes, II is with the IRS in Arlington, Virginia.

Robert G. Tanner is in Atlanta, Georgia with Rhodes & Edwards.

John E. Tantum is working with Clarence Kirk in Wendell, N.C.

C. Everett Thompson, II is employed by Twiford & Abbott in Elizabeth City, N.C.

Elton G. Tucker is with J.H. Ferguson in Wilmington, N.C.

James M. Wallace, Jr. is associated with Graham & Cheshire in Hillsborough, N.C.

Gary W. Williard is in Winston-Salem with Roberts, Frye & Booth.

Melvin F. Wright, Jr. is with White & Crumpler in Winston-Salem.

NOTE:

If any 1973 graduate has secured employment but has not been recognized by the Jurist, please forgive the oversight and let the Jurist know of your employment by returning the form enclosed in the issue. Thank you.

LAW DAY

Just before the Jurist went to press, the Law School commemorated Law Day. The photos which follow were taken at the banquet and ceremonies held at the Benton Convention Center. Mr. Henry Rothblatt of New York City was the speaker.

Mr. James E. Johnson, Jr., of Augusta, Georgia was named President of the Wake Forest Lawyers Alumni Association.

Judge and Mrs. Hiram Ward, Jerry Stainback, and Mrs. Irving Carlyle

1974

Mr. Henry Rothblatt and SBA Chairman Roger Tripp

Mr. James Mason receives special award from Mr. Henry Harkey, SBA Chairman-elect.

LAW DAY 1974

Mr. Stanley Corne is honored as outgoing Alumni President

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